

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ACKERMAN MCQUEEN, INC.	§	
	§	
v.	§	Case No. 3:19-cv-03016-X
	§	
GRANT STINCHFIELD	§	

**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION
TO DISMISS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(C)**

Plaintiff, Ackerman McQueen, Inc. ("AMc"), files its Response to *Defendant Grant Stinchfield's 12(c) Motion to Dismiss Plaintiff's Claims with Prejudice* (doc. 18). In accordance with the Local Rules, this response is supported by the Brief filed contemporaneously herewith, which sets forth AMc's contentions of fact and argument and authorities. Defendant's motion should be denied because although styled as an "affidavit," no doubt in an effort to cloak it with the appearance of legitimacy as a court record, Defendant's defamatory statement was never filed with any court or other tribunal. Instead, it was sent directly to members of the media to stimulate press coverage as part of a smear campaign against AMc. Thus, the written statement is not covered by the judicial proceedings privilege.

WHEREFORE, PREMISES CONSIDERED, AMc respectfully requests the Court to deny Defendant's motion to dismiss and to grant AMc such other and further relief to which it may be justly entitled.

Dated: October 5, 2020.

Respectfully submitted,

/s/ J. Brian Vanderwoude

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CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2020, I filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas. I hereby certify that I have served the document on all counsel and/or pro se parties of record by a manner authorized by Federal Rules of Civil Procedure 5(b)(2).

/s/ J. Brian Vanderwoude

J. Brian Vanderwoude